

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:99CR15
)	
)	ORDER
STEPHEN W. CHILDS,)	
)	
Defendant.)	

Defendant Stephen W. Childs (Childs) appeared before the court on a Petition For Warrant or Summons For Offender Under Supervision (Report) (Filing No. 135) on June 5, 2006. Childs was represented by Assistant Federal Public Defender Michael F. Maloney, and the government was represented by Assistant U.S. Attorney Kimberly C. Bunjer. After being advised of the allegations of the Report, Childs requested a preliminary examination on allegation No. 1 and No. 3. The court held an immediate hearing on such allegations.

The court heard the testimony of U.S. Probation Officer Drew Cromwell (Officer Cromwell). Officer Cromwell testified he participated with other U.S. Probation Officers, two Omaha Police officers and an ATF agent in a search of Childs' residence on May 31, 2006. The search followed a report that Childs had brandished a firearm at an individual in Lincoln, Nebraska. A black powder pistol was found hanging in a bedroom closet which Childs admitted belonged to him. Officer Cromwell also found a .12 gauge shotgun in a closet at the top of open stairs leading to an open loft which was serving as a bedroom. Officer Cromwell also found a .22 caliber rifle on the floor next to the bed. Later, in a search of Childs' pickup outside of the residence, Officer Cromwell found six knives, one machete-like with a length of over eighteen inches. Childs had a roommate, Daniel, at the time, and Childs denied knowledge of shotgun or rifle. No further evidence was presented by either side.

Pursuant to Fed. R. Crim. P. 32.1, I find from the evidence presented there is probable cause Childs has violated the terms of his supervised release as to each of the

allegations contained in the Report, and Childs should be held to answer for a final dispositional hearing before the Honorable Joseph F. Bataillon.

The government moved for detention pending the dispositional hearing, and Childs declined to present any additional evidence other than that presented during the preliminary examination. I find that the defendant has failed to carry his burden to show that there is a condition or a combination of conditions that would reasonably assure the defendant's reasonably assure the safety of the community if he were released upon conditions. **See** 18 U.S.C. § 3143.

IT IS ORDERED:

1. A final dispositional hearing will be held before the Honorable Joseph F. Bataillon, Chief U.S. District Court Judge, in Courtroom Number 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on June 21, 2006.** Defendant must be present in person.

2. Childs is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility.

3. Childs shall be afforded a reasonable opportunity for private consultation with defense counsel.

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver Childs to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 5th day of June, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge